

REMARKS

In response to the Office Action mailed September 16, 2009, Applicants hereby request reconsideration of the rejections based upon the claim amendments and arguments submitted herewith. Following an election in the face of a restriction requirement, claims 79 and 86 were presented for examination, with both being rejected and the following issues being raised:

1. Claims 79 and 86 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; and
2. Claims 79 and 86 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,794,207 to Walker et al. ("Walker") in view of U.S. Patent No. 5,592,378 to Cameron et al. ("Cameron").

Following the above amendments to the claims, claims 79 and 86 remain pending in the application, with claim 79 being independent. All other claims have been canceled as being directed toward a non-elected invention.

Indefiniteness Rejections

In view of the indefiniteness rejection, claim 79 has been amended to clarify the terms identified as indefinite in the Office Action. The term "information on distribution costs" has been amended to read "information on distribution unit price", support for which is found in the specification on page 162, line 5 through page 163, line 2, where the unit price on a per case basis, including adjustments thereto based upon quantity, is disclosed and discussed. Further, Applicants have amended the "transmitting means" in line 9 to read "distribution cost management means" and added the element of "transmitting means" to the claim.

The function of the distribution cost management means has been clarified as indicated in the amendments to include the functions of "referring to" and "calculating". In view of these amendments, Applicants submit that claim 79 now complies with the requirements of 35 U.S.C. § 112, second paragraph.

Obviousness Rejections

Claim 79 was rejected as obvious over Walker in view of Cameron. Obviousness requires that each and every limitation be taught or disclosed by the cited references. Claim 79 has been amended as indicated above to clearly point out and more distinctly claim the subject matter Applicants' consider their invention. Here, neither Walker nor Cameron disclose "second storage means for storing plural pieces of information on distribution unit price between two points in accordance with a quantity of shipment" and "distribution cost management means for ... calculating a total amount including distribution costs corresponding to said plural pieces of selling information, based on said referred plural pieces of selling information and said plural pieces of information on distribution unit price" as recited in amended claim 79.

As is indicated in the Office Action, Walker is silent with respect to the "second storage means" and the "referring to" and "calculating" functionality of the "distribution cost management means". For its part, Cameron discloses that total distribution cost is calculated based upon the cost for shipping product from the seller's shipping address to the customer's address and the quantity of product shipped. However, Cameron does not disclose that the total distribution cost includes a distribution unit price that varies based upon both the shipping and receiving addresses and the quantity of shipment. An illustrative example of the information on distribution unit price as recited in claim 79 may be beneficial to differentiating between the disclosure of Cameron and amended claim 79. In Cameron, the distribution cost depends upon the shipping and receiving addresses and the amount of the shipment, insofar as the amount of the shipment changes the shipping costs. In contrast, where amended claim 79 recites "plural pieces of information on distribution unit price between two points in accordance with a quantity of shipment", the result is that greater discounts are obtained on a price per unit basis when greater quantities are shipped. Specifically, for example, the price per unit may be \$4.00 per unit when up to 100 units are purchased, but \$3.50 per unit when between 101 to 200 units are purchased. Cameron does not disclose any type of variability in the distribution unit price based upon the quantity of the shipment, nor does Cameron disclose calculating a total amount based upon such a variable distribution unit price. In

view of these deficiencies in the teachings and disclosures of Walker and Cameron, the combination of these references does not render claim 79 obvious.

Claim 86 depends from claim 79 and was also rejected as obvious over Walker in view of Cameron. Where the cited combination does not render claim 79 obvious, is also does not render this dependent claim obvious.

Conclusion

In view of the amendments to the claims and for the foregoing reasons, Applicants request reconsideration of the rejections.

A 3 month extension of time is hereby requested. The attached Fee Worksheet and credit card submission reflects all fees Applicants believe is due with this submission. The undersigned believes no additional extensions or fees are due with this response. However, if an additional extension is needed or a fee is due, please consider this a request therefor and charge Deposit Account No. 03-2775, under Order No. 21776-00050-US, from which the undersigned is authorized to draw.

Dated: March 16, 2010

Respectfully submitted,

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